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October 5, 2020

By ECF

Hon. Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Nkanga Nkanga
18 Cr 713 (JMF)
20-CV-2871 (JMF)

Dear Judge Furman:

We write with the consent of the Government requesting that the Court adjourn the conference scheduled for October 21, 2020 for at least 60-90 days.

The reason for the request is that Dr. Nkanga remains extremely vulnerable to COVID-19, he continues to be followed by his doctor for neurological issues, and his health would be in great jeopardy if he is ordered to report to FCI Ft. Dix, where he has been designated.

It is not clear precisely how many inmates at Ft. Dix are currently diagnosed as positive for COVID-19 because the BOP has provided conflicting information. It appears, however, that last week, there was an uptick in the number of diagnosed inmates. Regardless, of the exact number of inmates who are currently positive, the risk to Dr. Nkanga remain substantial.

On September 30, 2020, the BOP website reported that there were 3 inmates who were currently positive.¹

¹ <https://www.bop.gov/coronavirus/> (visited 9/30/20)

Today, the BOP website continues to report that there are only 3 inmates who are positive,¹ despite contrary information reported to the Government last week.

Today, the BOP website continues to report that there are only 3 inmates who are positive,² despite contrary information reported by the BOP to the Government last week and reported by the Government to another judge in this District.

In *United States v. Lizardi*, 11 Cr 1032 (Dkt. No. 2520) at page 4, the Government wrote the Hon. Paul A. Engelmayer and said that as of September 30, 2020, there are now *seven* cases at Ft. Dix. It said:

As of September 30, 2020, Fort Dix FCI has reported just seven current cases of COVID-19 out of a population of 2,528. Moreover, a BOP official has informed the Government that all seven cases involve inmates transferred from other institutions who have had no contact with the general population and will remain quarantined until they are recovered.

See United States v. Lizardi, 11 Cr 1032 (Dkt. No. 2520) at page 4.

Once again, regardless of the precise number of inmates at the facility who are currently positive for COVID-19, the risks to this Defendant remain of grave and of immediate concern.

In addition, there are also unconfirmed reports that there has been a recent outbreak of Legionnaire's Disease at Ft. Dix.

Accordingly, if the foregoing meets with Your Honor's approval, then we respectfully request that you "So Order" this application.

Thank you for your consideration in this matter.

Our continuing best wishes to you and your staff.

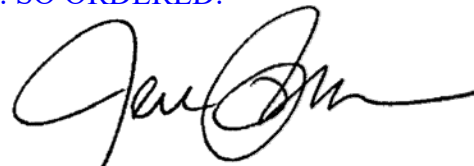
Respectfully submitted,

/s/

Daniel S. Parker
Joshua Horowitz
Benjamin Silverman

Cc: all parties by email

Application GRANTED. The conference is ADJOURNED to January 21, 2020, at 2:30 p.m. The Clerk of Court is directed to terminate Doc. #133 and docket this endorsement in both the criminal and civil (20-CV-2871) case. SO ORDERED.



October 6, 2020

² <https://www.bop.gov/coronavirus/> (last visited 10/06/20)